IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1167 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/07/2004 in WPMP No.28191 of 2003 and WVMP No.3916 of 2003 in WP NO. 22544 OF 2003 on the file of the High Court.)

Between:

S.Vittal S/o.S.Anjaiah, R/o.Hyderabad.

..... APPELLANT

AND

1 M/s.B.N.Das Clothiers & Tailors H.No.4-1-247 & 248, Sultan Bazar, Hyderabad rep.by its partner praveen kumar Baheti.
2 The Second Appellate Authority u/s.48(3) of the A.P.Shops & Establishments Act, 1988 and Dy.Commissioner of Labour
(Twin Cities), Anjaiah Karmika Bhavan, Chikkadpally, Hyderabad.
3 The Authority Appointed u/s.48 of A.P.Shops & Establishments Act, 1988 and Asst.Commissioner of Labour, Twin Cities, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: Ms.M.V.BHARATI

Counsel for the Respondent Nos.2 & 3: GP FOR LABOUR

The Court at the admission stage made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

This writ appeal is directed against the order passed in W.V.M.P.No.3916 of 2003 in W.P.M.P.No.28191 of 2003 in W.P.No.22544 of 2003 dated 27.07.2004 by which the interim order dated 24.10.2003 is made absolute.

While admitting the writ petition the learned Single Judge granted interim stay in W.P.M.P.No.28191 of 2003 on 24.10.2003. As against the same, the appellant has preferred W.V.M.P.No.3916 of 2003 seeking to vacate the interim order dated 24.10.2003. The learned single Judge having observed that the appellant-workman was already afforded an opportunity to withdraw half of the amount deposited, made the order absolute. Aggrieved by the same, the present appeal is preferred.

Heard the learned counsel on either side.

Since this appeal arose out of an interlocutory order, the findings, if any, given in this appeal may touch the very merits of the writ petition. Apart from that as the appellant-workman was already afforded an opportunity to withdraw the half of the amount deposited, as already observed by the learned single Judge, we feel that it is desirable to post the writ petition for final hearing. Therefore, we see no merits in this writ appeal and the same is liable to be dismissed.

Accordingly, this writ appeal is dismissed. However, post the writ petition for final hearing as directed by the learned Single Judge.

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(T.MEENA KUMARI, J)

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(P.LAKSHMANA REDDY, J)

27.06.2005

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To

1. The Second Appellate Authority u/s.48(3) of the A.P.Shops & Establishments Act, 1988 and Dy.Commissioner of Labour
(Twin Cities), Anjaiah Karmika Bhavan, Chikkadpally, Hyderabad.
2. The Authority Appointed u/s.48 of A.P.Shops & Establishments Act, 1988 and Asst.Commissioner of Labour, Twin Cities, Hyderabad.

3. Two CCs to GP for Labour, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies

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